

EXHIBIT B
TO THE DECLARATION OF JOSEPH H. LEE
IN SUPPORT OF DEFENDANT'S
MOTION TO STAY THIS LITIGATION
PENDING THE OUTCOME OF
REEXAMINATION PROCEEDINGS



PTO/SB/57 (07-07)

Approved for use through 07/31/2007. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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(Also referred to as FORM PTO-1465)

REQUEST FOR EX PARTE REEXAMINATION TRANSMITTAL FORM

Address to:

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Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

U.S. PTO



07/30/07

Attorney Docket No.: X32441

Date: July 30, 2007

U.S. PTO

90008775



07/30/07

1. ☒ This is a request for *ex parte* reexamination pursuant to 37 CFR 1.510 of patent number 4,935,184 issued June 19, 1990. The request is made by:
 - ☐ patent owner.
 - ☒ third party requester.
2. ☒ The name and address of the person requesting reexamination is:
 - Arnold Turk, Esq.
 - Greenblum & Bernstein, P.L.C.
 - 1950 Roland Clarke Place, Reston, VA 20191
3. ☒ a. A check in the amount of \$ 2,520.00 is enclosed to cover the reexamination fee, 37 CFR 1.20(c)(1);
 - ☒ b. The Director is hereby authorized to charge the fee as set forth in 37 CFR 1.20(c)(1) to Deposit Account No. 19-0089 (submit duplicative copy for fee processing); or
 - ☐ c. Payment by credit card. Form PTO-2038 is attached.
4. ☒ Any refund should be made by ☐ check or ☒ credit to Deposit Account No. 19-0089. 37 CFR 1.26(c). If payment is made by credit card, refund must be to credit card account.
5. ☒ A copy of the patent to be reexamined having a double column format on one side of a separate paper is enclosed. 37 CFR 1.510(b)(4)
6. ☐ CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table
 - ☐ Landscape Table on CD
7. ☐ Nucleotide and/or Amino Acid Sequence Submission
 - If applicable, items a. - c. are required.*
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM (2 copies) or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies
8. ☐ A copy of any disclaimer, certificate of correction or reexamination certificate issued in the patent is included.
9. ☒ Reexamination of claim(s) 1, 2, 4, 6-10 is requested.
10. ☒ A copy of every patent or printed publication relied upon is submitted herewith including a listing thereof on Form PTO/SB/08, PTO-1449, or equivalent.
11. ☒ An English language translation of all necessary and pertinent non-English language patents and/or printed publications is included.

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This collection of information is required by 37 CFR 1.510. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. § 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Mail Stop *Ex Parte* Reexam, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

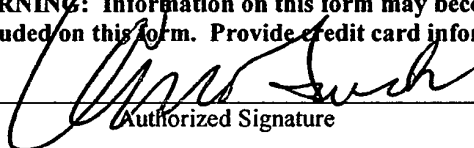
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12. <input checked="" type="checkbox"/> The attached detailed request includes at least the following items: a. A statement identifying each substantial new question of patentability based on prior patents and printed publications. 37 CFR 1.510(b)(1) b. An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited art to every claim for which reexamination is requested. 37 CFR 1.510(b)(2)			
13. <input type="checkbox"/> A proposed amendment is included (only where the patent owner is the requester). 37 CFR 1.510(e)			
14. <input checked="" type="checkbox"/> a. It is certified that a copy of this request (if filed by other than the patent owner) has been served in its entirety on the patent owner as provided in 37 CFR 1.33(c). The name and address of the party served and the date of service are: <u>James Michael Kaler</u> <u>Edward W. Callan</u> <u>The Law Offices of James M. Kaler</u> <u>3830 Valley Center Drive, No.705, PMB452</u> <u>9930 Mesa Rim Road Suite 200, San Diego, CA 92121</u> <u>San Diego, CA 92130</u> Date of Service: <u>July 30, 2007</u> ; or <input type="checkbox"/> b. A duplicate copy is enclosed since service on patent owner was not possible.			
15. Correspondence Address: Direct all communication about the reexamination to: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div> <input checked="" type="checkbox"/> The address associated with Customer Number: <input checked="" type="checkbox"/> OR </div> <div style="border: 1px solid black; padding: 5px; width: 200px;">07055</div> </div>			
<input checked="" type="checkbox"/> Firm or Individual Name <u>Greenblum & Bernstein, P.L.C.</u>			
Address <u>1950 Roland Clarke Place</u>			
City	<u>Reston</u>	State	<u>VA</u>
		Zip	<u>20191</u>
Country <u>United States</u>			
Telephone	<u>(703) 716-1191</u>	Email	<u>aturk@gbpatent.com</u>
16. <input checked="" type="checkbox"/> The patent is currently the subject of the following concurrent proceeding(s): <input type="checkbox"/> a. Copending reissue Application No. _____ <input type="checkbox"/> b. Copending reexamination Control No. _____ <input type="checkbox"/> c. Copending Interference No. _____ <input checked="" type="checkbox"/> d. Copending litigation styled: (1) <u>Jens E. Sorensen v. Black Decker (U.S.) Inc., et al., Civil Action No. 06-cv-1572</u> (2) <u>Jens E. Sorensen v. Tecnica USA Corp. and Nordica USA Corp., Civil Action No. 06-cv-1941</u> (3) <u>Previous litigation listed in Request</u>			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
 _____ Authorized Signature		<u>July 30, 2007</u> Date	
<u>Arnold Turk</u> Typed/Printed Name		<u>33094</u> Registration No.	<input type="checkbox"/> For Patent Owner Requester <input checked="" type="checkbox"/> For Third Party Requester

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Attorney Docket No. X32441
Attorney Docket No. SOR-BD-184
Request for Reexamination of U.S. Patent No. 4,935,184

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Jens Ole Sorensen)
)
Patent No.: 4,935,184)
)
Issue Date: June 19, 1990)
)
Filing Date: July 27, 1989)
)
Title: Stabilized Injection Molding)
When Using A Common)
Mold Part With Separate)
Complimentary Mold Parts)

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Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR *EX PARTE* REEXAMINATION
PURSUANT TO 35 U.S.C. § 302 AND 37 § C.F.R. 1.510

Pursuant to 35 U.S.C. § 302 and 37 C.F.R. § 1.510, the Third Party Requester hereby requests that reexamination of the above-identified patent be ordered by the U.S. Patent & Trademark Office.

I. CLAIMS FOR REEXAMINATION

Reexamination of claims 1, 2, 4 and 6-10 of U.S. Patent No. 4,935,184 ("the '184 patent") is requested and believed to be in order. The '184 patent is not expired and is still enforceable. A copy of the '184 patent is attached hereto as Appendix A as required by 37 C.F.R. § 1.510(b)(4).

Attorney Docket No. SOR-BD-184
Request for Reexamination of U.S. Patent No. 4,935,184

II. SUBSTANTIAL NEW QUESTIONS OF PATENTABILITY

Substantial new questions of patentability are raised based upon the following patents and printed publications:

Patents and Published Patent Applications				
Reference Number	Country	Applicant or Assignee	Issue Date	Statutory Basis
2,863,241	U.S.	Gits	12/09/58	102(b)
3,178,497	U.S.	Moscicki	04/13/65	102(b), 103(a)
4,422,995	U.S.	Schad	12/27/83	103(a)
4,440,820	U.S.	Shiho et al.	04/03/84	102(b), 103(a)
1 850 999	Germany (DE)	Echterholter	05/03/62 (published)	102(b), 103(a)
2 004 494	U.K. (GB)	SEIMA	04/04/79 (published)	102(b), 103(a)
60-119520	Japan (JP)	Toyota Motor	08/13/85 (published)	102(b), 103(a)
Printed Publications				
Source	Title		Publication Date	Statutory Basis
Modern Plastics	New Vigor For Two-Shot Molding With Automation . . .Versatility . . .Ingenuity		05/68	102(b), 103(a)

A copy of each reference that has a bearing on the patentability of the claims of the '184 patent (including English translations thereof as appropriate) is enclosed in Appendix B herewith in accordance with 37 C.F.R. § 1.510(b)(3). The cover page of Appendix B lists the identified references in a PTO/SB/08 form.

With the exception of the Schad reference, none of the other identified references were cited by either the applicant or the Examiner during prosecution of the application that issued as the '184 patent. These newly cited references are more relevant than the art cited and considered during prosecution of the '184 patent.

Attorney Docket No. SOR-BD-184
Request for Reexamination of U.S. Patent No. 4,935,184

As shown herein, the identified references anticipate or render obvious one or more claims of the '184 patent, alone or in combination with other references or the knowledge of one of ordinary skill in the art. Because none of the identified references were previously considered in the present context, and because the identified references teach or render obvious the claimed invention, a substantial new question of patentability is raised and reexamination should be granted with respect to each of claims 1, 2, 4 and 6-10 of the '184 patent. For ease of reference, a table listing each substantial new question of patentability that exists in view of the identified references appears at the beginning of Appendix C.

III. CONCURRENT LITIGATION INVOLVING THE '184 PATENT

The '184 patent is currently involved in litigation. On August 7, 2006, Jens E. Sorensen as trustee of the Sorensen Research and Development Trust (the purported owner of the '184 patent) filed a Complaint asserting infringement of the '184 patent against The Black & Decker Corporation. The Complaint has since been amended to include allegations of patent infringement against Black & Decker Inc., Black & Decker (U.S.) Inc., Porter-Cable Corporation, Vector Products, Inc., Phillips Plastics Corporation, Hi-Tech Plastics, Inc., and B&D Holdings, LLC. The case is pending in the United States District Court for the Southern District of California, and is docketed as Civil Action No. 06-cv-1572. The '184 patent is also presently involved in a second matter pending in the same district against Tecnica USA Corporation and Nordica USA Corporation. That case is docketed as Civil Action No. 06-cv-1941.

Additionally, the '184 patent has previously been the subject of litigation in the following matters:

Attorney Docket No. SOR-BD-184
Request for Reexamination of U.S. Patent No. 4,935,184

- *Jens E. Sorensen as trustee of the Sorensen Research and Development Trust v. Premier Automotive Group, Ford Motor Company, and Jaguar Cars, Ltd.*, Civil Action No. 03-cv-1107, United States District Court for the Northern District of California
- *Jens E. Sorensen as trustee of the Sorensen Research and Development Trust and Jens Ole Sorensen v. DaimlerChrysler AG and Mercedes-Benz USA, LLC*, Civil Action No. 02-cv-4752, United States District Court for the Northern District of California (subsequently transferred to the United States District Court for the District of New Jersey and docketed as Civil Action No. 03-cv-1763)
- *In the Matter of Certain Automobile Tail Light Lenses and Products Incorporating Same, Jens E. Sorensen as trustee of the Sorensen Research and Development Trust and Jens Ole Sorensen v. DaimlerChrysler AG and Mercedes-Benz USA, LLC*, Investigation No. 337-TA-502, United States International Trade Commission
- *Lowe's Companies, Inc. and Lowe's Home Centers, Inc. v. Sorensen Research & Development Trust*, Civil Action No. 05-cv-234, United States District Court for the Western District of North Carolina
- *Digital Innovations LLC v. Sorensen Research & Development Trust*, Civil Action No. 05-cv-6428, United States District Court for the Northern District of Illinois
- *Nordica USA Corporation v. Jens Ole Sorensen, Jens Erik Sorensen, and Sorensen Research and Development Trust*, Civil Action No. 06-cv-91, United States District Court for the District of New Hampshire
- *Husqvarna Outdoor Products v. Sorensen Research & Development Trust*, Civil Action No. 06-cv-160, United States District Court for the Southern District of Georgia
- *Head USA, Inc. v. Jens E. Sorensen as trustee of the Sorensen Research and Development Trust*, Civil Action No. 06-cv-983, United States District Court for the District of Connecticut
- *Big Lots Stores, Inc. v. Sorensen Research & Development Trust*, Civil Action No. 06-cv-1089, United States District Court for the Southern District of Ohio
- *Jens E. Sorensen as trustee of the Sorensen Research and Development Trust v. Head USA, Inc.*, Civil Action No. 06-cv-1434, United States District Court for the Southern District of California

These cases are all believed to have been resolved by way of settlement and/or dismissal.